

REVISED

**PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING
CITY HALL, 8TH FLOOR
COMMISSION CONFERENCE ROOM
THURSDAY, MAY 15, 2008 – 10:00 AM**

BOARD MEMBERS PRESENT

Mike Fayyaz, Assistant City Engineer
Bob Dunckel, Assistant City Attorney
Tom Terrell, Public Works Facilities Manager
Mark Darmanin, Utilities Distr. & Collections Manager
Tony Irvine, Surveyor
Anthony Fajardo, Planner III
Michael Maloney, Code Enforcement Manager
Kim Clifford, Parks and Recreation

STAFF AND GUESTS

Victor Volpi, Senior Real Estate Officer
Diana Alarcon, Assistant Parking Services Manager
Ron Mastriana, Mastriana & Christiansen
Lawrence Kramer, Southeast Architect Services, Inc.
John Wilkes, Southeast Architect Services, Inc.
Keith Blackburn, Property Owner
Josh Bailey, Falkanger, Snyner, Martin, & Yates
Jeff Falkanger, Falkanger, Snyner, Martin & Yates
Staci Bartlett, CB Constructors, Inc.
Felipe Lofaso, American Engineering and Development
Charles Diveto, Stiles
David Garmizo, Joseph Rules & Associates, Inc.
Jeff Lis, Stiles Development Company
Damon Ricks, Flynn Engineering
Hilda Testa, Recording Clerk, Prototype, Inc.

CALL TO ORDER

Mr. Fayyaz called the meeting to order at 10:08 a.m., and stated this was a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property and public rights-of-way.

Following roll call, it was determined that a quorum was present.

ITEM ONE: **APPROVAL OF APRIL 17, 2008 MINUTES**

Mr. Volpi requested Item Two from the April 17, 2008 minutes, Construction of Sidewalk Improvements to Road, be added to the agenda for today's meeting.

The minutes of the April 17, 2008 meeting were approved unanimously.

ITEM TWO: **VACATION OF UTILITY EASEMENT**

ADDRESS OR GENERAL LOCATION: 551 N ATLANTIC BOULEVARD

Mr. Volpi introduced this item stating that SB Hotel Associates, LLC would like a positive recommendation to vacate an 8-foot utility easement as shown on Plat Book 26, Page 34, (Resub of Birch Ocean Front Subdivision). At this time there are no utilities in the easement and the new 25-story Trump International Hotel & Tower has been constructed over it.

Mr. Mastriana, agent for the owner, offered the area was an original plat easement not shown on the original survey. Mr. Mastriana explained an update was done on the title, the easement had never been used, and all utility releases have been obtained. The paperwork has been submitted to DRC, with the County to follow.

Mr. Darmanin noted a sanitary sewer line between the Breakers and A1A, and requested information on the status of the sewer line. Mr. Irvine noted there should have been a manhole opposite the easement running into a terminal manhole. Mr. Charles Diveto, representing Stiles, explained the sewer main was located along Breakers.

Mr. Diveto used maps to show the Committee members where the utilities had been removed during the piling installation. Mr. Diveto assured the Committee there were no utilities in the easement currently. Mr. Diveto explained a new manhole had been put in after the survey. Mr. Diveto stated Wolverine Engineering had performed the installation, and the City inspections were complete, to include the capping. Mr. Darmanin requested copies of the engineering permits.

Motion made by Mr. Dunckel, seconded by Mr. Irvine, to recommend approval to vacate the easement, contingent upon the utilities review and, if necessary, relocation of utilities at the developer's expense, or abandonment. Mr. Fayyaz opened the motion for discussion.

Mr. Irvine noted for the record this was a multi-million dollar development, and the first time a survey showing title matters had come before the Committee. Mr. Irvine stated due diligence had not been done at the right time, and should have been before the Committee before now. Mr. Irvine continued the developer should have dealt with the problems first, before building and then dealing with the problems.

In a voice vote, the motion passed unanimously.

ITEM THREE

VACATION OF RIGHT-OF-WAY/DOWNTOWN CENTER

ADDRESS OR GENERAL LOCATION: ALLEY BETWEEN NE 2 AND 3 AVENUE,
JUST N OF NE 5 STREET

Mr. Volpi introduced this item stating at the June 16, 2005 Property and Right-of-Way meeting the Committee recommended vacating a portion of the air rights above the alley between NE 2 and 3 Avenue, just north of NE 5 Street. Mr. Kramer with Tropical American Properties, LLC would now like positive recommendation to vacate the entire dead end alley.

After various meetings with the Planning and Zoning Department the developer has been told that the two properties the applicant owns (and is trying to develop into one site) must be abutting each other in order to permit the placement of fire pump and generators, as well as the dumpsters. If vacated, the City will retain an easement, if necessary.

Mr. Larry Kramer, Southeast Architect Services, explained the matter had been before the Committee two times, and approved in various forms. There had been two previous work stoppages. The application was before the Committee as a second phase residential application. Mr. Kramer stated the current plan was to develop the first phase, a 20,000 square foot retail and office structure at NE 30 Avenue and 2nd, with a future second phase on 2nd Avenue and 5th.

Mr. Kramer continued the concept always had been the unification of the property, and the vacation was essential for either phase to continue as the segment of the alley dead ends at the adjoining property. The easement, running west to NE 2nd Avenue could be used for utilities and right-of-way. Mr. Kramer stated the only utilities in the area were a sewer line and electric. All electric would be placed underground.

Mr. Tom Wilkes, Southeast Architect Services, Inc., explained the application included the vacation of the platted alley for 150 distance between Lots 11, 12, 13, 14, 15, and 16, to also include the vacation of the right-of-way that was given in the easement deed recorded in Book 33426, Page 1725. Mr. Wilkes provided copies of the easement deed to the Committee.

Mr. Kramer provided a history of the location, and explained the northern portion had been vacated in 1997, from Lots 8 and 19 North to NE 6th Street, and was vacated by way of Ordinance C97-68. In 2002 the line was moved further south to the north side of Lots 11 and 16. Mr. Kramer explained there should have been a separate ordinance or an amendment to the ordinance to vacate Lots 9 and 10, and 17 and 18. Mr. Kramer

stated the trade-off was the alley would be dead ended, and a grant would be given for an east west easement to NE 2nd Avenue, with the right-of-way for utility access.

Mr. Kramer stated to effectively develop the property, the application was requesting a complete vacation.

Mr. Dunckel asked if the vacation of air rights had been approved. Mr. Kramer stated the vacation had been approved by the Committee twice. Mr. Dunckel asked if the vacation had been approved by the City Commission. Mr. Kramer stated the vacation had been recommended unanimously by the Committee, but was not passed on to Planning and Zoning or to the City Commission.

Mr. Kramer stated the Civic Association had provided a letter of support for the vacation. The adjoining property owners had been contacted, and a private easement will be provided for Lots 11 and 12 to control internal traffic flow running north from NE 5th Street, and west to NE 2nd Avenue.

Mr. Kramer allowed he had not spoken to the owner of Lot 11, and the owner of Lot 12 did not use the alley, but did not want to be prohibited from using it. Mr. Kramer stated the owners of Lots 9, 10, 17, and 18 have no objection to the vacation, but did want a private easement right to have access, which would be granted.

Mr. Dunckel asked if the development had been approved. Mr. Kramer explained the request was part of the application for DRC approval. Mr. Dunckel asked for further clarification on the dumpster and fire pump not allowed to be placed in front of the alley. Mr. Fajardo stated he had attended two meetings for the DRC submittal, and those statements were never made. Mr. Kramer stated the statement was made in a DRC meeting in regard to the dumpster, and noted a resident cannot cross a street or alley with garbage and utilize a dumpster across that way. Mr. Dunckel stated he had been involved in a number of these issues, and some redesign was all that was needed.

Mr. Fajardo stated the project could be completed without vacating the alley, and he would not support vacation of the alley. Mr. Irvine stated if a private easement needed to be provided, the alley was not a redundancy. Mr. Irvine stated there could be conflicts with road closures and private easements, and he was "not crazy" about private access easements. Mr. Irvine agreed with Mr. Fajardo and felt the development could go forward with the alleyway. Mr. Fajardo added the best access to maintain the utilities is the alley.

Mr. Fayyaz asked if the setback issues were leading to the request to vacate the alley. Mr. Wilkes stated the proposed parking decks for both the front parcel and other front parcels was one of the issues. Mr. Wilkes stated the only utility on the property was a sewer line starting on the north side of Lot 13. Mr. Wilkes felt to get the proper

development to meet the master plan guidelines, a two-story parking deck to serve all front properties would be located on the back, and the traffic lanes would be relocated.

Mr. Wilkes expressed concern with controlling the access from the other lots, including Lot 12 having a current illegal parking issue. Mr. Wilkes stated if the provisions were strictly enforced, the lot owners would not be able to use their rear access anyway. Mr. Wilkes stated a to maintain a safe and manageable type of development, the access points needed to be controlled. Mr. Wilkes stated a privately owned access would be easier to maintain. Mr. Wilkes stated the sewer line is the only public utility to be serviced as all others would be moved as part of the agreement.

Mr. Irvine asked how the sewer line would be serviced twenty years down the line. Mr. Wilkes stated the utility easement would be retained. Mr. Darmanin stated the sewer line serviced Lots 9, 10, 17, and 18. Mr. Wilkes stated the same property owner owned all those lots. Mr. Darmanin stated if all the utilities were to come out onto 2nd Avenue, all the utilities in the rear should be abandoned. Mr. Darmanin stated lots 9 through 18 would all need a service point they could get to in some other area.

Mr. Dunckel remembered the earlier discussions with the Committee on this application, and noted a philosophical shift regarding vacating properties in the meantime. Mr. Dunckel advised vacation of alleys promotes "a mass and bulk" the City really did not like, and would prefer to see a pattern of development staying within the grid pattern of streets as they were originally platted.

Mr. Dunckel stated he approved of the earlier application because the development was not vacating the entire area. Mr. Dunckel felt he would be hard pressed to agree with the current application as it was requesting vacation of the entire area, combined with the continued public purpose. Mr. Dunckel also felt some design modifications could be done to resolve the issues without a vacation.

Mr. Irvine agreed with Mr. Darmanin, and would feel differently about the issue if the utilities were completely removed. Mr. Irvine explained there had been problems in the past with this kind of vacation, and did not want to see the sewers exist in an easement subject to encroachments and obstructions twenty years down the road. Mr. Irvine explained with a right-of-way and utility easement the City was able to enforce the rights-of-way.

Mr. Wilkes stated the City always had the right to access the utilities, and felt the biggest issue was not hearing from the owners of Lots 11 and 12. Mr. Wilkes offered to defer the application to answer the questions regarding the previous vacation and to get responses from the owners of Lots 11 and 12.

Mr. Darmanin restated his preference to make the utility private all the way to 2nd Avenue.

Motion made by Mr. Darmanin, seconded by Mr. Terrell, to defer the issue. By voice vote, the motion passed unanimously.

Mr. Wilkes supplemented the record with a letter of support from the Flagler Village Civic Association.

ITEM FOUR **PRIVATE SEWER LINE IN ALLEY**

ADDRESS OR GENERAL LOCATON: 1115 SW 4 STREET, SW CORNER

Mr. Volpi introduced this item stating Mr. Blackburn would like a positive recommendation to construct a private sanitary sewer pipe in a dedicated alley. WaterWorks 2011 (WW 2011) would not place the applicant's lateral in this alley or the alley off SE 11 Avenue. Mr. Blackburn claims there are mature trees, docks (concrete and wood), a pool and fence on his property. Since the property is in the Historical District the trees are not allowed to be removed. The pool and deck would be very expensive to replace.

WW 2011 has informed the applicant that his only two options are: 1) remove the trees and pool, etc. or 2) use the alley off SW 4 Street. Mr. Blackburn would like WW 2011 to reconsider placement of his lateral in the alleys, or short of that, he would like WW 2011 to show him how it would be possible to connect to the system himself. The applicant does not believe there is enough fall in grade to accomplish this. At the very least, Mr. Blackburn would like your positive recommendation to allow him to construct a partial sewer line in the alley.

Mr. Keith Blackburn, the property owner, provided the Committee with photographs of the property. Mr. Blackburn explained three plumbing companies had come to the property, and had the following concerns:

- As you go north on the property there was a slope down, which would not allow the lateral to be placed deeply enough.
- Just on the right side of the fence are air conditioners and a staircase.

Building a trench for the lateral would require distance from the fence so the fence would not collapse, and the air conditioners would have to be moved. A pool and a variety of huge trees are on the property. The property was purchased three years ago, and the previous owner indicated there was one single septic tank, and the lateral would be placed by the driveway.

Mr. Darmanin asked if the plumbers had looked into a small package pump station as an option. Mr. Blackburn stated the pump station was discussed, but there are four septic tanks and the turns which would be necessary would not accommodate the tree roots. The plumber also stated a power outage would mean no sewage would be pumping out if they used a pump station to replace one of the septic tanks.

Mr. Darmanin stated a small pump station would use a two inch line, and could be maneuvered around the trees. Mr. Blackburn stated the plumbing company did not advise the two inch piping in the area, and stated the best way would be to attach the laterals in the alleyway.

Mr. Fayyaz asked if Mr. Blackburn was prepared to make the entire line his own personal line. Mr. Blackburn stated he just wanted to do the best, most efficient thing and do it as soon as possible. Mr. Blackburn advised there were four buildings which were built before the new Codes. Between the back of the buildings and the property line is a fence and air conditioning units which would have to be disconnected and removed. Mr. Blackburn was advised by the plumber the fence could possibly collapse due to the depth of the trench.

Mr. Blackburn stated he was originally told by WW 2011 that a lateral would not be installed in the alley, but he has since learned that is not necessarily correct. Mr. Fayyaz explained WaterWorks would not install the lateral in the alley, and the property owner would be responsible for the lateral if the Committee approved the installation of the lateral. Mr. Fayyaz stated he had communicated with WaterWorks, and they would be okay with the lateral in the alleyway, but they would not be responsible for the part within the alley. Mr. Blackburn stated he understood and would agree to maintain the pipe.

Mr. Fayyaz agreed the City was interested in protecting the trees. Mr. Blackburn explained the property is 100 feet wide by 175, and the rear of the property was closer to SW 11th Avenue, which was where he originally wanted the lateral. WW 2011 would not add a lateral there. Mr. Darmanin expressed concern over the property owner not understanding the requirements involved in this request. There would be requirements for sanitary sewer agreements with the City and Health Department permitting, and would probably be more involved than just running a small pipe down the alleyway.

Mr. Darmanin asked if the package station option had really been explored. Mr. Darmanin agreed if there was a power outage there may not be sewer going out immediately, but the small package station, about twice the size of a garbage can, would have hold time which would empty when the power came back on. Mr. Blackburn expressed concern over the seven unit building being out of power for three weeks like during Hurricane Wilma. Mr. Terrell stated the small package units would work with a small generator.

Mr. Fayyaz suggested Mr. Blackburn explore the suggestions. Mr. Blackburn stated three experts had come out, looked at the area, and said a lot of turns would be required due to the location of the four buildings. Mr. Blackburn stated he would be happy to have Committee members come look at the site. Mr. Irvine stated he would have liked to have heard from someone with WW 2011. Mr. Volpi stated WW 2011 had been invited.

Mr. Fayyaz reiterated WW 2011 would support the lines being run down the alley, but expressed concern over the property owner being responsible for the lines. Mr. Darmanin did not feel comfortable making a plumbing company recommendation to the property owner, and strongly suggested Mr. Blackburn revisit the small package station with an engineering firm.

Mr. Fayyaz stated the owner had talked to other experts, and asked if Mr. Darmanin would object to having the lateral in the alley if the pumping station was not feasible. Mr. Darmanin expressed concern over private utilities in the right-of-way, and emphasized this would not be simply a lateral.

Mr. Terrell asked about a public utility in the right-of-way. Mr. Darmanin stated the City was trying to move away from putting things in backyards and alleyways, and expressed concern over the construction and maintenance costs.

Mr. Volpi stated there was enough fall in the alleyway, and asked why WW 2011 did not bring the main line up further. Mr. Irvine stated there was an obligation to bring service to the property line, but no requirement to do anything further due to the costs. Mr. Blackburn stated the location of the lateral was in the SW corner of the property, with the furthest building being 190 feet away.

Mr. Irvine asked if a lateral was placed on the SE corner if one pair of buildings could be serviced on the east, and one pair of buildings serviced on the west. Mr. Blackburn stated the original plan showed one lateral at the driveway, which would require the pool being moved.

Mr. Darmanin explained another method, called directional drilling, where they would actually go below the root, push through underneath, and come out the other side without affecting the tree. Mr. Blackburn explained the cost would be prohibitive. Mr. Darmanin explained every option would become that much more expensive.

Mr. Terrell stated the property would have to be hooked up sooner or later, and this was being looked at simply to be accommodating since the City had met the requirement. Mr. Blackburn stated he had been notified of a June 12, 2008 magistrate hearing.

Motion made by Mr. Irvine, seconded by Mr. Terrell, to recommend granting of the proper instrument (either license or easement) to allow the applicant to place a lateral in the alley on the west side of the property. Approval would be contingent on engineering review and review by WW 2011. Mr. Fayyaz opened the motion for discussion.

Mr. Darmanin asked what if there was more than a lateral involved. Mr. Irvine asked to modify the motion to clarify "lateral" to be "sewer lines to connect the property to the existing gravity". Mr. Irvine stated even though the City had met their obligation, the Committee should try to work something out to where the property could continue to function.

Mr. Darmanin asked about possible exemptions. Mr. Dunckel stated he did not know if there were any exemptions allowed. Mr. Darmanin felt there might have been exemptions allowed for areas where the City was unable to service the property. Mr. Irvine stated the City is able to service the property, but the current situation with the trees, etc., made it difficult to take advantage of what the City was providing.

Mr. Terrell stated the Committee was being asked to move a line to the west to get in the alley so the owner would not have to tear up a fence and hedges. Mr. Blackburn added there were also air conditioners and steps. Mr. Terrell pointed out the air conditioner and steps could be moved and then replaced. Mr. Blackburn stated the staircases were built into the building, and comes directly to the property line.

Mr. Fayyaz felt the motion covered all the options to be discussed with WW 2011, and Mr. Darmanin would be a part of those discussions. Mr. Irvine stated WW 2011 had apparently looked at the site, and have said they were okay with the proposal. Mr. Terrell stated there would need to be a manhole to allow for service to the system.

Mr. Dunckel felt the Committee was being asked to resolve design problems which might be better visited by an engineering firm, and then come back to the Committee to recommend the most cost effective solution. Mr. Dunckel expressed concern regarding doing the applicant more harm than good, and felt an engineering firm should do the evaluation and coming up with options.

Mr. Fayyaz stated the City looked at the site and felt the alley option was a viable option. The engineering firm recommendation would be how to get to the alley. Mr. Darmanin agreed the alley had been seen as a viable option, but the engineering firm might be more qualified to look at the property and make a recommendation. Mr. Fayyaz felt the job of the Committee was only to allow the application or not allow the application, and not to get into the details of making it work. Mr. Dunckel felt the applicant should confer with an engineering firm and come back to the Committee with a workable plan, which may or may not include the alley.

Mr. Terrell noted the applicant is scheduled for a special master already, and wanted to know if there was any way the Committee could help. Mr. Maloney recommended a continuance and let the process play itself out. Mr. Terrell suggested the Committee provide a letter to the magistrate. Mr. Blackburn stated he was under the impression the WW 2011 person was an engineer. Mr. Dunckel stated a private engineer might have a different way of problem solving.

Mr. Blackburn stated the clean out could be on the property, which would not require a manhole in the alley. Mr. Darmanin explained the application was requesting a private utility, which would require maintenance. Access would be necessary in the event of a problem. Mr. Terrell explained the connection between the private property and the City would require a manhole or a clean out for maintenance purposes.

Motion made by Mr. Darmanin, seconded by Mr. Irvine, to table the application to a future meeting to allow the applicant to bring back information for the Committee to evaluate. In the meantime, the liaison would write a short note allowing a continuance for the special magistrate hearing. Mr. Dunckel strongly urged the applicant to get the advice of private civil engineers to draw up a plan for implementation. The original motion was superseded by the motion to table. In a voice vote, the motion passed unanimously.

ITEM FIVE: **MOT/LICENSE AGREEMENT**

ADDRESS OR GENERAL LOCATION: PORTION OF GRANADA STREET, FROM N ATLANTIC BOULEVARD, EAST ½ OF THE BLOCK

Mr. Volpi introduced the item stating AIA Trader, LLC would like a positive recommendation to temporarily close a portion of Granada Street (from N. Atlantic Boulevard, east ½ of the block) until February 2009 to facilitate the construction of improvements to the Yankee Trader.

Mr. Josh Bailey, agent to the owner, provided a brief history of the renovation project. Mr. Bailey explained the Yankee Trader was being upgraded to a Westin Hotel, including a banquet facility expansion on the south side of Granada. The renovation would include additional parking, improvements to Granada Street, and replacement of on-street parking.

Mr. Bailey proposed the closing of Granada Street to allow for cranes and trucks for the new construction on both the north and south sides of the street. Mr. Fayyaz asked about the parking on Granada. Mr. Bailey stated there was currently eight metered spaces, and the construction would provide additional parking along Seville.

Ms. Diana Alarcon, Parking and Fleet Services, reminded the applicant the mitigations for the cost of the meters being out of service needed to be included in the plan. Ms. Alarcon stated the applicant needed to work with Ocean Rescue to provide parking for the lifeguard during the construction time.

Mr. Terrell asked about other road closures in the area, including a possible closure north of Bayshore. Mr. Fayyaz agreed the applicant was supposed to provide a traffic pattern showing the temporary changes in traffic due to the construction. Ms. Alarcon noted Bayshore was currently closed, along with two other partial road closings.

Mr. Dunckel stated the City Commission would look at the issue in light of the pattern of the closures on the beach and the disruptions the construction would cause. Mr. Terrell felt the traffic circulation information was needed before a recommendation could be made. Mr. Irvine requested a map showing Sebastian to Vista Mar, including other approved construction.

Mr. Dunckel advised the applicant under this mechanism no part of the public right-of-way could be used for staging. Mr. Bailey stated the developer understood. Mr. Dunckel asked about sidewalk closures. Mr. Bailey stated sidewalk closures in the direct area would not be necessary. Mr. Dunckel requested a narrative explaining which sidewalks would be closed. Mr. Dunckel offered to send Mr. Bailey an example of a revocable license for this type of project.

Motion made by Mr. Darmanin, seconded by Mr. Terrell, to table the application to a future meeting. In a voice vote, the motion passed unanimously.

ITEM SIX: **MOT/LICENSE AGREEMENT/STAGING PERMIT**

ADDRESS OR GENERAL LOCATION: NE 4 AND 5 AVENUE AND NE 5 STREET

Mr. Volpi introduced the item stating American Engineering and Development and Current Builders, (agent for the owner, - Zom Flagler Village, LP) would like a positive recommendation to close NE 4 and 5 Avenue and NE 5 Street, as shown on their traffic plan for thirteen (13) weeks, beginning July 2008. They plan to construct certain underground utility improvements (curbing & pavement) in the right-of-way. Furthermore, Zom would like to facilitate the construction of "The Courtyard at Village East" by creating a staging area on the property that is owned by Downtown Flagler Village, LTD

Ordinance C-02-13 states that the Property & Right-of-Way Committee shall review these applications, as shown on Exhibit E.

Mr. Felipe Lofaso, American Engineering and Development, explained the project is currently in the construction phase, with off-site development on NE 4th Avenue, NE 5th Street, and NE 5th Avenue. There are currently no residents on NE 5th Avenue, NE 5th Street, and one resident on NE 4th Avenue on the west side, and a small business on the corner of NE 4th Avenue and NE 4th Street.

Mr. Dunckel raised the issue of other street closures. Ms. Staci Bartlett, Current Builders, stated there was an MOT for a project right next to the area being discussed, which would close down a portion of 5th Avenue between 5th and 6th Streets. There would also be a short term closure on 4th Avenue, maintaining a one-way southbound lane. Mr. Lofaso assured the Committee the traffic plan had taken into account other road closures, and provided the Committee with a copy of the traffic plan.

Mr. Dunckel requested aerial or ground photographs of the area showing the area west of NE 4th Avenue, and expressed concern regarding the property owner's access during the closure. Mr. Lofaso stated the resident would only be inconvenienced for one day, then would not be directly affected. Ms. Bartlett stated approval had already been obtained for the MOT. The developer would give warning to the duplex residents, and would provide access to parking to the residents.

Mr. Lofaso explained the project would be phased, and the closures would not all be happening at the same time, although there would be overlap between the phases. Mr. Dunckel asked about the closure on 4th, and suggested the swale areas be left open for travel. Mr. Lofaso agreed, and added construction fencing would be erected along the sidewalk to maintain pedestrian safety.

Mr. Fajardo asked about detour routes for pedestrian traffic. Mr. Lofaso explained the same detour route would be used for pedestrians, motorized, and non-motorized traffic. Mr. Irvine expressed concern over the schedule overlaps, and noted a week in October when 4th Avenue, 5th Avenue, and 5th Street would all be closed. Mr. Lofaso stated there would be miscellaneous activity during that time, but the roads would be open. Mr. Dunckel suggested the revocable license stipulate Phase II could not begin until Phase I was completed.

Mr. Darmanin asked about approvals from the construction companies. Ms. Bartlett confirmed Hernandez Construction had provided approval, and New Phase was pending. Ms. Alarcon expressed concern over the construction parking issues which were already creating problems with current projects. Ms. Alarcon also had concerns with the traffic backup issue on 6th Street.

Motion made by Mr. Darmanin, seconded by Mr. Irvine, to approve the MOTs as presented with conditions that the developer could not proceed to a subsequent phase without the prior phase being asphalted and open to traffic, that the duplex on 4th

Avenue be provided access at all times, and that the approval from the construction company and the realty company be obtained, subject to the City Engineer and City Attorney approval for the licensing.

The Committee held a brief discussion regarding the overlap between the phases and the pedestrian safety issues. In a voice vote, the motion passed unanimously.

ITEM SEVEN: **TEMPORARY RIGHT-OF-WAY CLOSURE**

ADDRESS OR GENERAL LOCATION: SE 8 AVENUE, BETWEEN LAS OLAS BOULEVARD AND SE 4 STREET

Mr. Volpi introduced the item stating Las Olas Company would like a positive recommendation to temporarily close a portion of the sidewalks along SE 8 Avenue (between Las Olas Boulevard and SE 4 Street), from August 2008 through February 2010, as detailed on pages 3, 4, and 5 under "Narrative" of the Logistics and Maintenance of Traffic Plan presented. Their second option would be to temporarily close Las Olas Boulevard sidewalks and traffic lanes as well, as detailed on pages 6, 7, and 8 of the MOT Plan.

In addition to the foregoing the Las Olas Company requests the Committee's approval to close the east and west bound lanes of Sagamore Road (from the hotel loading dock to SE 8 Avenue) and the sidewalks on the north and south to facilitate the construction of the pedestrian bridge.

Jeff Lis, representing Stiles Development Company, provided a handout including a summary of the impacts, the presentation boards, and other exhibits.

Mr. Lis summarized the project and provided maps of the area. Mr. Lis stated the proposal included demolishing the current retail along Las Olas, and replaced with a single story of retail with three levels of hotel above. The corporate offices would be removed, and the pool and cabanas would be removed from the site. A first level of retail, with a conference room and meeting rooms would be added. Lining the existing garage would be 48 hotel rooms, comprising five levels. Mr. Lis described renovation work to be done on the existing hotel.

Mr. Lis informed the Committee the project has been approved, including final DRC approval dated April 10, 2008. Mr. Lis stated the project is now seeking approval for the MOT as it related to the ability to actually apply for demolition permits, foundation permits, and building permits. The demolition was anticipated to begin in the summer, and the project would be completed in late 2009.

Mr. Lis provided a map showing a proposed covered walkway measuring five feet in width and eight feet in height to be placed on the public right-of-way. The covered walkway was not required by code, and was an option being applied for in case the Safety Officer later decided the walkway was necessary. The site wall would be permanently installed on the south side of Las Olas, with the north side open to the curb.

Mr. Lis assured the Committee the existing ticket stations would be left unimpeded for parking along the curb. Ms. Alarcon asked about the decorative signs and sign posts recently installed throughout the Las Olas area. Mr. Lis agreed to contact Ms. Alarcon if the signs needed to be temporarily removed during construction.

Mr. Lis proposed a closure of the sidewalk down 8th to the corner of Sagamore and 4th throughout the duration of the project. Mr. Lis stated a moveable six foot high chain link fence would be set in place at the end of the work day to establish an OSHA barrier with regard to the security of the construction site. The fence would always be curbside, and would not be placed in the street. Mr. Lis stated there would be no loads from cranes over any public rights-of-way other than along Sagamore during the construction process.

In response to questions from Mr. Dunckel, Mr. Lis demonstrated on the maps where the equipment would be stored during construction. Mr. Lis noted along 4th and Sagamore there would be a proposed sidewalk closing throughout the duration of the project to allow for the closure of the eastbound lane of Sagamore during daylight hours, controlled by flagmen. The hotel would be provided with a bypass lane for the arrival and departure of guests.

Ms. Alarcon asked how deliveries would be handled during the construction. Mr. Lis explained delivery hours would be limited during the construction times. The construction team would work proactively with the Cheesecake Factory and the hotel to manage delivery times. Mr. Dunckel requested more enforceable specifics on the handling of the deliveries for the licensing.

Mr. Lis informed the Committee the MOT had been presented to the City Building Department, the City Engineering Department, and to homeowner leadership within the community, and have support from those people.

Mr. Fayyaz asked if the cranes would swing over the river. Mr. Lis explained they would swing over the river, but only in a free vein. Lifting would only be from staging area to staging area to deliver materials, and no loads would swing over the river.

Mr. Dunckel asked about the proposed covered walkway along Las Olas, and if the project could be completed without further lane closures. Mr. Terrell stated the work

could be done at night and provided examples of other projects completed at night. Mr. Lis explained the work involved putting in foundations. Mr. Dunckel stated even though the Code does not require the walkway, the revocable license may require it. Mr. Terrell stated there would also be lighting required inside.

Mr. Lis reminded the Committee the installation of the walkway would also impact parking on Las Olas, including impact to the pay station and the ability of the patrons to get out of their cars. Mr. Terrell agreed that due to the aesthetics and the inconvenience it would be preferable not to have the walkway. Mr. Lis explained the construction would be 23 feet from the curb, which would seem to be far enough back to make the walkway unnecessary.

Mr. Fayyaz asked if a fence would be placed along the river during construction. Mr. Lis stated the fencing would not be included in the MOT process under the Code, but for purposes of securing the site there would be a chain link fence to discourage people from coming with boats and getting out on the construction site. Mr. Fayyaz suggested a fence would be necessary to appropriately cover the construction view from the residential area across the river.

Motion made by Mr. Irvine, seconded by Mr. Terrell, to approve the MOT and the appropriate licenses for the project as presented. Mr. Dunckel stated he felt more comfortable knowing the building was 23 feet back, and the covered sidewalk would maybe not be necessary. In a voice vote, the motion passed unanimously.

ITEM EIGHT: **VACATION OF ALLEY**

ADDRESS OR GENERAL LOCATION: ALLEY BETWEEN SW 1 AVENUE AND ANDREWS AVENUE, JUST N OF SW 6 STREET

Mr. Volpi introduced the item stating Fred Kern-KYGO, LLC would like a positive recommendation to vacate what is left of a 15 foot platted alley (between SW 1 Avenue and Andrews Avenue - just north of SW 6 Street) to construct an office tower. The rest of the alley was vacated by Ordinance 24048, Pg. 918 but was retained as an easement. The remaining portion of the alley would not be needed for utility purposes and the connects and services would be relocated at the applicant's expense.

Mr. Damon Ricks, representing Flynn Engineering, provided a brief description of the site on South Andrews Avenue and SE 6th Street, directly north of the new Publix grocery store. Mr. Ricks explained the current two-story office building would be demolished for the construction of a proposed office tower.

Mr. Ricks stated the portion of the alley to be vacated ran from Lot 6 down to SW 6th Street. Mr. Ricks noted there were some existing utilities within the easement including power lines and sewer.

Mr. Fayyaz asked about the direction of flow in the alley. Mr. Ricks stated the flow was from south to north, and dead ends in the existing easement.

Mr. Darmanin stated there was one lateral off of Lot 18, and a terminal manhole would need to be installed there and the rest of the portion be abandoned to shorten the run left to be maintained. Mr. Fajardo asked about the parking lot access. Mr. Ricks stated there are openings for access to the parking lot. Ms. Alarcon stated those openings were the only access to the parking lot.

Ms. Alarcon asked if the application had been through DRC. Mr. Ricks stated they were currently in the DRC process. There had been concerns about the height, and a redesign had been started to bring down the height. Additional setbacks had been added above and beyond the Code requirements in an attempt to mitigate some of the issues in the alley. The redesign was currently in DRC for approval. The project would include on street parking on 1st Avenue and significant landscaping.

Motion made by Mr. Terrell, seconded by Mr. Darmanin, to recommend approval of the closure as proposed subject to Engineering, legal review, and utility relocation. Mr. Fayyaz opened the motion for discussion.

Mr. Irvine expressed concern regarding the property owners to the north, and disruption caused to the parking area, and the fact the property owners had not been contacted. Mr. Fayyaz agreed the property owners needed to be contacted.

In a voice vote, the motion passed unanimously.

WALK-ON ITEM

ADDRESS OR GENERAL LOCATION: NE CORNER OF SW 43 WAY AND SW 21 STREET

Mr. Volpi introduced a walk on item, and apologized to Ms. Goombs for not bringing the file or the backup regarding the project. Mr. Volpi explained the Committee had seen the proposal twice previously, and the proposal involved the extension of 21st Street. Mr. Volpi stated if an approval was recommended, the type of document needed for the street improvements would need to be discussed.

Mr. Dunkel stated no options or alternatives had been discussed and asked if the application could be brought back to the next meeting as an agenda item. Mr. Volpi

reminded the Committee the general consensus from the last meeting was to allow the improvements, and the type of document needed was to be determined. Mr. Darmanin added the right to take back the easement had also been discussed.

The Committee held a brief discussion regarding the various options as far as documentation.

Motion made by Mr. Darmanin, seconded by Mr. Terrell, to recommend approval of the application, pending attorney review and approval of the instrument used to accomplish the construction of the sidewalk and improvement of City property, retaining the rights to determine it. In a voice vote, the motion passed unanimously.

There being no further business to come before the Committee the meeting adjourned at 12:26 p.m.

[Minutes prepared by K. Bierbaum, Prototype, Inc.]